

HAMILTON COUNTY BOARD OF COMMISSIONERS
MAY 12, 2008

The Hamilton County Board of Commissioners met on Monday, May 12, 2008 in the Commissioners Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session at 1:00 p.m. in Conference Room 1A. President Altman called the public session to order at 1:52 p.m. and declared a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited.

Approval of Minutes

Approve of Executive Session Memoranda

Dillinger motioned to approve the minutes of April 25, 2008, April 28, 2008, and the Executive Session Memoranda of May 12, 2008. Holt seconded. Motion carried unanimously.

274th Street Stop Sign Location

Dillinger motioned to amend the agenda to discuss the Stop Sign at 274th Street. Holt seconded. Motion carried unanimously.

Arcadia Town Marshal Mitch Russell requested the Commissioners amend their decision to change the Stop Sign on Old Arcadia Road from an east/west Stop on 274th Street to a north/south Stop. Russell stated on 274th Street on SR 19 to Gwinn Road there are six residences on 274th Street. Out of the six residences two have children and a new business has been located on 274th Street with gravel trucks traveling in and out of the residence all of the time. There is no speed limit posted on 274th Street from SR 19 to Gwinn Road which makes the speed limit 55 mph. Arcadia Road runs behind Hamilton Heights Middle School with a Stop Sign at 269th Street. There are only two houses on Old Arcadia Road, neither of these homes have children so the bus does not stop on that road. The thoroughfare on Old Arcadia Road is better suited than the non Stop at Old Arcadia Road and 274th Street. On 274th Street west of Old Arcadia Road there is Tony Etcheson's home where two small children live. There is then an "S" curve and then straightens out and then dead ends at Gwinn Road. Due to the semi traffic coming from Beck's on 274th Street at 55 mph there is a great danger that one of the six children on 274th Street could run out onto the road. The Stop would be better suited on the east/west road than the north/south road.

Mr. Jim Neal stated the highway department received a request to change the location of the Stop sign. The investigation looked at the traffic splits, per the MUTCD, those splits were 62/38 with the majority of the traffic being on 274th Street. Per the MUTCD the road with the higher traffic numbers is the thru street and the other street should stop for it.

Dillinger motioned to ask the highway department to look at this and take in consideration the information presented today and bring back a recommendation at the next meeting. Holt seconded. Motion carried unanimously.

Bid Opening

Resurface Contract 08-1, Various Roads in Clay and Fall Creek Townships

Neal opened the bids for Resurface Contract 08-1. Various roads in Clay and Fall Creek Townships. Form 96, Bid Bond, Non-collusion Affidavit, and Financial Statements are included unless otherwise specified. 1) Calumet Asphalt - \$742,243.96. 2) E&B Paving - \$836,267.65. 3) Grady Brothers - \$782,000.00. 4) Milestone Contractors - \$828,308.00. 5) Rieth-Riley - \$717,160.00. 6) Shelly & Sands - \$851,328.48. 7) Harco Asphalt - \$849,151.72. Dillinger motioned to refer the bids to the highway department for review and recommendation later today. Holt seconded. Motion carried unanimously.

Highway Business

Acceptance of Bonds/Letters of Credit – Highway Department

Neal requested acceptance of Bonds and Letters of Credit for the highway department. 1) HCHD #B-07-0013 – Western Surety Company Continuation Certificate for Bond #43342190 issued on behalf of Busby Drilling Company, Inc. in the sum of \$10,000 for a bore parallel to Cyntheanne Road to expire April 20, 2009. 2) HCHD #B-07-0014 – Western Surety Company Continuation Certificate for Bond #43342191 issued on behalf of Busby Drilling Company, Inc. in the sum of \$10,000 for a bore under Cyntheanne Road to expire April 20, 2009. 3) HCHD #B-05-0021 – Merchants Bonding Company Continuation Certificate for Bond #IN15186 issued on behalf of Bedwell Construction, Inc. in the sum of \$25,000 for general contracting to expire April 19, 2009. 4) HCHD #B-01-0029 – Merchants Bonding Company License & Permit Bond #IN19210 issued on behalf of Wilson Water & Sewer Services, Inc. in the sum of \$25,000 for annual permit bond to expire April 29, 2009. 5) HCHD #B-08-0013 – Fidelity and Deposit Company of Maryland Performance/Payment Bond #7599997 issued on behalf of Erber & Milligan Construction Company, Inc. & Milligan Construction Company, Inc. in the sum of \$472,644.00 for Hamilton County Bridge #224, Allisonville Road over Stony Creek to expire May 2, 2010. 6) HCHD #B-08-0014 – Fidelity and Deposit Company of Maryland Performance/Payment Bond #7599996 issued on behalf of Erber & Milligan Construction Co., Inc. & Milligan Construction Company, Inc. in the sum of \$362,758.80 for Hamilton County Bridge #57, 256th Street over Little Cicero Creek to expire May 2, 2010. Dillinger motioned to accept. Holt seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit – Highway Department

Neal requested the release of Bonds and Letters of Credit for the highway department. 1) HCHD #B-05-0026 – Travelers Casualty and Surety Company Permit Bond #104-4950-40 issued on behalf of Gradex Inc. Developer in the amount of \$25,000 for contracting – Highway/Street. 2) HCHD #B-06-0045 – Ohio Casualty Insurance Company Permit Bond #376832 issued on behalf of Thompson Thrift Management, Inc. in the amount of \$30,000 for Commercial drive permit COMDR-2006-021. Holt motioned to release. Dillinger seconded. Motion carried unanimously.

Agreements/Supplements [2:06]

Bridge No. 236 Supplemental Agreement #1

Neal requested approval of Supplemental Agreement No. 1, HCHD #E-05-0009, with R.W. Armstrong for Bridge No. 236, 101st Street East over Flatfork Creek. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Bridge No. 171 Supplemental Agreement No. 3

Neal requested approval of Supplemental Agreement No. 3, HCHD #E-05-0005, with The Schneider Corporation, for replacement of Bridge Number 171, Prairie Baptist Road over Sand Creek. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

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Olio Road over I-69 Engineering Agreement

Neal requested approval of Engineering Agreement, HCHD #E-08-0002, with American Structrepoint, Inc. for Olio Road from Greenfield Avenue to Tegler Boulevard including a bridge over I-69. Altman stated this agreement is for preliminary engineering, what does Neal anticipate for final design? Neal stated this agreement will get us through preliminary design for the road and bridge. There will still be final design for the road and bridge and some right of way items. We anticipate an additional \$500,000 to complete everything. We currently have \$500,000 in the 2008 budget and another \$500,000 approved by the County Council and waiting for State approval. Altman stated most of the initial preliminary has been for road design and not the bridge. Neal stated there is quite a bit of road work involved in this project. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Bridge No. 254 Engineering Agreement

Neal requested approval of Engineering Agreement, HCHD #E-08-0001, with Stephen J. Christian & Associates for replacement of Bridge #254 carrying East 281st Street over West Fork Bear Creek. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Concurrence with Traffic Study Correspondence [2:10]

146th Street at Stephanie Street and 146th Street at Jason Street

Neal stated he sent a memo to the Commissioners regarding the options for 146th Street and Stephanie Street and Jason Street. Altman stated she has received an email from Thomas Ertel asking that the county does not install more stop lights at these locations. Neal stated the options are:

Option 1 - Closing the median at Stephanie Street and leaving the entrance to the subdivision open as a right in/right out with no changes at Jason Street.

Option 2 - Turning both of the entrances with no left out by installing channelization islands to make it a right in only. Altman asked what are the costs for that? Neal stated this will be one of the lowest costs for construction, estimated at less than \$50,000. Altman stated that would preclude left hand turns? Neal stated it would preclude left hand turns at Stephanie Street and they could look at doing the same thing at Jason Street.

Option 3 - Do nothing. Currently there is no geometric problem at that location.

Dillinger asked if we told the residents that they would have some time to collect signatures? Altman stated we talked about that being an option if we were to consider closing the median at Stephanie Street. We discussed the option of needing 75% signatures to close the median, but we backed off of that because we did not know what openings we could close. Altman asked if the highway department concluded that we could close Jason Street? Mr. Brad Davis stated we need to leave full access from the north at Jason Street, not necessarily from the south. Altman stated she prefers Option 1 or 2 if we should leave it at the option of the neighborhood or the Commissioners decide. Altman stated she likes the concept of hearing everyone's voice and then making a decision. Holt and Dillinger prefer Option 3. Dillinger stated this is such an emotional issue and he is not sure the residents can look at it objectively. This is why he prefers to get 75% of the residents requesting it. Dillinger asked to table this to see if we hear back from the homeowners and what we told them about collecting signatures on a petition. Holt asked if we can ask the attorney to draft a petition listing the three options? Dillinger stated we offered that if they presented a petition with 75% of the residents' signatures we would consider their request. We did not put a time limit on it. Holt stated there was a feeling that the county should draft the petition so it was meaningful. Altman stated it is important that the petition notes that the crash history is not an issue that exceeds others, however we (Commissioners) have been approached to take action and do you support any of the three options. Dillinger stated we should present the options as presented by the highway department, give the residents a due date to return the petitions with either 75% signatures or if we don't hear from them with the petition we do nothing. Altman asked if it is 75% for Option 1 or 2? Dillinger stated whichever they can get 75% on. Altman stated our criteria is they have to have 75% of either Option 1 or Option 2. Davis stated would you include Option 3? Holt and Dillinger want Option 3 included on the petition. Dillinger motioned to send a letter to the President of the Homeowners Associations detailing the three options, give them 60 days to present the petitions with 75% approval of one of the options. If we don't hear back from them then we will act on it. Holt asked that a form petition be included with the letter. Mr. Chris Burt stated there is a standard form for the speed hump petition which can be used. Burt stated there are four subdivisions in the area; Foster Estates is directly affected. There are two subdivisions that have access through Foster Estates for access out and then Smoky Ridge has its own access out on 136th Street and onto Carey Road. What subdivisions need to be contacted and is it 75% of which subdivisions? Holt stated the representation at the last meeting was that there are four subdivision impacted. Altman asked if it is the pool of four subdivisions that have to come up with 75%? Holt stated yes. Holt seconded the motion with the form petition enclosed with the letter. Altman asked who formulates the pool to determine the 75%? Holt stated the four subdivisions represented at the last meeting that would be in the minutes. Dillinger agreed to the amendment. Motion carried unanimously. (May 27, 2008 Amendment to minutes - the subdivisions included in the petition are the four subdivisions south of 146th Street.)

Riverwalk Project

Neal stated Indiana American Water has begun relocating their water line for the Riverwalk project. They have requested a Right of Entry for behind the Judicial Center. [2:39:12] Holt motioned to approve the right of entry agreement for the Rivewalk Project. Dillinger seconded. Motion carried unanimously. The construction trailer has been brought in and they are installing the power to the trailer. Completion date is November 15, 2008.

Road Closures

Neal requested permission to close the following roads –

Allisonville road between 146th Street and Greenfield Avenue beginning on or after Monday, June 2, 2008 and ending on or before August 1, 2008 for rehabilitation of Bridge #224;

256th Street between Gwinn Road and Scherer Avenue beginning on or after Tuesday, May 27, 2008 and ending on or before August 1, 2008 for rehabilitation of Bridge #57.

Holt motioned to approve. Dillinger seconded. Motion carried unanimously. Neal stated a temporary signal will be installed at Herriman Boulevard and Greenfield Avenue as part of the detour route for Allisonville Road. Signs will be put up prior to the closing to notify drivers of the closing.

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SR 238 Unofficial Detour INDOT Agreement

Mr. Brad Davis requested approval of the Letter of Understanding for the unofficial detour for road rehabilitation of SR 238 from Junction SR 13 to I-69. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Highway Department Maintenance Staff Summer Hours

Davis requested permission to amend the work schedule of the highway department's maintenance staff to four 10-hour work days, Monday through Thursday, for the period of June 2 to September 18, 2008. During the holiday weeks of Independence Day and Labor Day the crews will work a normal week of 7.5 hour days. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Olio Road Bridge INDOT Agreement

Davis stated the INDOT Agreement for the Olio Road Bridge over I-69 has been signed by INDOT and is at the Attorney General's office for review.

Bridge #47 Federal Aid

Davis stated Hamilton County will be receiving an additional \$550,000 in federal aid for Bridge #47, 161st Street over Cool Creek.

INDOT Call for Projects

Davis stated INDOT has issued a Call for Projects for their rural program with applications due May 21, 2008. It is the highway department's intent to submit an application for the segment on 146th Street from Ditch to Towne Road. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Altman asked Davis to send a note to Sheridan letting them know this is an opportunity to re-submit for funding for Lamong Road.

Roadway Clean-up

Davis stated he and Bob Davis met with Paul McGriff of the probation department to discuss clean-up of the county roadways. McGriff committed the Probation work crew will be work with the highway department one to two days per month on weekends. They started by picking up the trash on Olio Road and collected 27 bags of trash. The community service workers are unsupervised so McGriff did not think it was a good idea to put them on the road. The highway department has had one or two community service workers come to their office to help with painting, etc. to serve their community service hours. Davis stated they have rented a sweeper for two weeks to sweep the curb sections of various county roads.

Highway Meeting

Davis stated a highway meeting with the Commissioners is scheduled for Friday, May 30, 2008 at 7:30 a.m.

US 31 Project

Altman stated Melody Sweat, Westfield Town Councilor, has requested the Commissioners support on putting a dedicated bike lane on US 31. Davis stated he does not think bike lanes are appropriate along a freeway. Holt motioned for the highway department to research it bring a recommendation to the next meeting.

Rangeline Road to 151st Street

Altman stated there is a meeting on May 20, 2008 at 8:00 a.m. with RW Armstrong, to look at US 31 from Rangeline Road to 151st Street at the highway department.

Bid Award

Resurface Contract 08-1, Various Roads in Clay and Fall Creek Townships

Neal recommended the bid for Resurface Contract 08-1, Various Roads in Clay and Fall Creek Townships be awarded to Rieth-Riley in the amount of \$717,160.00 as the lowest responsive bidder. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Jerry Cook Letter

Holt motioned to refer the letter from Jerry Cook, requesting the county highway department assist Cicero with some chip and seal work on some of their roads and alleys, to the highway department for review and recommendation at the next meeting. Dillinger seconded. Motion carried unanimously.

Cell Phone Policy Waiver – Judge Hughes [2:40]

Judge William Hughes requested a waiver on the Cell Phone policy because he is not a county employee. He has a Blackberry and a Verizon contract which he pays for, whether county or personal. He will continue to pay the costs because he can't comply with the county's AT&T plan. For the past two years he has had a Verizon data plan with his PDA and he now has a Blackberry that will save approximately \$360.00 a year for the county. In order to be reimbursed by the county he is requesting a waiver. The cost is \$54.98 per month to the county as opposed to \$85.99 that is currently being paid. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Altman called a break in the meeting [2:42]

Altman called the meeting back to order [3:00]

CIRTA

Altman stated the Commissioners have \$50,000 in their budget for CIRTA (Central Indiana Regional Transportation Authority) activities. Last year CIRTA's budget went through Indianapolis for appropriations because they were reluctant to let CIRTA get its own tax identification number and be a separate entity, just like Solid Waste. We are discussing becoming a separate entity with its own tax identification number but they will need to cycle out of this year's budget monies. They will use up as much of the budgeted 2008 monies and then start a separate entity with the \$50,000 going to this new entity. Altman stated she has stopped the \$50,000 going to Marion County because it has taken seven (7) months to procure a vehicle for the CIRTA Director. Everything has become a procurement nightmare through the City of Indianapolis because of the layers of bureaucracy, etc. Altman asked the commissioners to consider that if there are needed expenditures such as an engineering contract, public relations work or brochures where we would have direct contracts with Hamilton County to expend those funds. Altman does not want to send this years contribution to Marion County, she wants to make it available for our needs and would prefer to go through the process of a direct contract with Hamilton County. Holt asked what will the other participants do? Altman stated she has suggested to them that this would be a good move until we have a separate entity. Indianapolis does recognize that it is not functioning well. The new administration has recognized this issue. Holt asked if there are other counties involved in CIRTA? Altman stated yes, but not every county has been able to participate fiscally. Madison County has been a large contributor, Hancock County has committed but both of their shares are significantly less than Hamilton

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County's. Holt asked if they will hold onto their shares? Altman stated they may or may not. Holt stated he is comfortable giving Altman carte blanche to do what is right. Altman stated she will bring the requests to the Commissioners and follow the normal process. We may need specific engineering work that she can not get done through the MPO on making the rail line work. Holt motioned to leave it to Altman's discretion. Dillinger seconded. Motion carried unanimously.

Request to Close Streets for Indiana Bike Race

Neal stated the request to close streets for the Indiana Bike Race has been made in previous years and the highway department has copies of Certificate of Liability naming the county as additional insured. He does not have any information on the route. The date of the race is June 7, 2008. The 2006 request was for rolling closures on Olio Road with police vehicles making sure the lead group can get through intersections. Holt motioned to leave it to the discretion of Brad Davis based on a follow up conversation with Mr. Steve Goar. Dillinger seconded. Motion carried unanimously.

Unsafe Buildings [3:07]

15173 Middletown Avenue

Mr. Chuck Kiphart stated the home at 15173 Middletown Avenue has only had one thing done to enclose the roof and cover the holes, on the list of items that needed to be done. Kiphart has received an estimate from Carl Abbott to replace the damaged decking, to roof the addition, and to board up all existing holes and window openings and cap off all electrical boxes on the exterior for a total of \$4,640.00. Kiphart stated they do have a fund of \$5,000 to pay for it. Altman asked from a safety standpoint can't we leave the roof open and keep people from crawling up the roof. Kiphart stated the building continues to deteriorate. Howard stated that is the owners' problem, the county is responsible for public safety. Kiphart stated the openings are on the second floor in the attic. Altman asked if there is anything on the ground level that is a nuisance? Kiphart stated a basement well that is open and has broken window and glass, that should be boarded up. Kiphart stated he can have his inspectors board it up at very little expense. Dillinger motioned to have the inspector board up the window well. Holt seconded. Motion carried unanimously.

10702 Valley Drive, Indianapolis

Kiphart stated the homeowner of 10702 Valley Drive in Clay Township, has been sent a Notice of Order and he received a response from the owner, Jamie Courtway. Ms. Courtway has agreed to do everything the county requested in the Order but she has requested an extension to June 12, 2008. Holt motioned to approve the extension. Dillinger seconded. Motion carried unanimously. Kiphart has told Ms. Courtway the swimming pool fence needs to be the first thing done.

10611 Ruckle Avenue and 10618 Park Avenue

Kiphart stated he sent a Notice of Order to Ruth Nesbitt, owner of 10611 Ruckle Avenue and 10618 Park Avenue. The letters were returned marked undeliverable. Kiphart has found another address for Ms. Nesbitt and new Notices will be sent for the May 27 Commissioners meeting.

ISSD Staffing

Ms. BJ Casali requested permission to approach the Personnel Committee for an additional staff person for ISSD. The original request is for 2009 but due to an increased work load she would like to start that position in 2008. There are two staff people who handle phones, PC's and printers. The new person would assist them. The ISS Board has endorsed this request. The classification would be a PAT B with a minimum salary of \$36,672 and she would not be requesting above minimum. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Supportive Systems

Ms. Pam Reuster, President of Supportive Systems, stated Hamilton County has used their Employee Assistance Program (EAP) since 2001. Reuster stated in the original contract there was a clause for Psychiatry for a medical evaluation if medication was needed. This component has been sparingly used, one or two times per year. A new Work Life Benefit has been added to their program and Reuster recommended substituting the Psychiatry program with the Work Life Benefit. Reuster demonstrated the web based Work Life Benefit. Reuster stated there is a cost of \$.10 per employee. Dillinger stated the Insurance Committee has recommended the change. Altman asked why was the Psychiatry program underutilized? Reuster stated they did not have the volume of employees use the service to make it worthwhile. Randall stated a lot of employees are getting their medications from their Doctors and not going through a Psychiatrist. Dillinger motioned to substitute. Altman seconded. Holt stated this looks like information that would be available to anyone where they chose to look for it. It does not seem that there is a lot of information that can't be found on the Web or Yellow Pages. Altman stated these types of issues are overwhelming and it is nice to have a central location to research. Holt asked if most organizations would utilize the psychiatric services? Reuster stated a lot of people are going to their family practice Doctor due to the time it takes to get into a Psychiatrist. Holt asked if our Health Plan covers a Psychiatrist? Randall stated yes, through our major medical plan. Supportive Systems paid for the first visit, with the change Supportive Systems would not pay for the first visit. Reuster stated there are numerous training materials available through the Work Life Benefit that can be used by Supervisors to augment the training Supportive Systems is providing Hamilton County. Altman asked if this is a one year commitment? Randall stated it is three years. Altman asked if it could be made a one year contract and monitor it? Reuster stated yes. Supportive Systems will prepare quarterly reports, by numbers only, of what sites are visited, trainings are utilized, etc. The users will not be identified, just what they are looking at. Motion carried unanimously.

CDBG Funding Agreement – Town of Fishers

Mr. Mark McConaghy requested approval of a Community Development Block Grant (CDBG) Funding Agreement with the Town of Fishers for Meadows Drive Infrastructure Improvements. Holt motioned to approve. Dillinger seconded. Motion carried unanimously. Altman asked when the funds come to Fishers or Carmel are they allocated by the federal government? McConaghy stated they use the same formula as HUD (Housing and Urban Development) uses to see how much funding each community would receive. Altman asked how is it based? McConaghy stated it is based on population, poverty level and then a percentage is taken out for housing, administration and public services. It is mostly based on population. Altman stated she has received complaints on the allocation because a lot of the underserved populations are in the northern part of the county that receives very few dollars because the population is so low. McConaghy stated that is something within the Commissioners power, if you would want us to look at a new formula it could be done. Altman asked the Commissioners if this should be based more on need rather than a straight population? Altman stated we need to be looking at need throughout the county.

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Holt asked when do we address the allocation? McConaghy stated in June he will introduce the projects submitted by the communities. We are using a formula that was approved in the first consolidated plan. In the Fall of 2008 the consolidated plan will be completely redone, which is a good time to discuss changing the formulas and how the money is allocated throughout the county. Holt stated we want to serve communities but we don't want people to feel they would be better served to go it alone. Altman stated the county has been offered 50% funding for a grant writer through the Hamilton County Convention and Visitors Bureau (HCCVB). They are trying to energize the northern communities and those communities do not have the expertise for grant writing. This may be another way to address this problem. This would be a contract grant writer and she will be bringing more information in the future. Holt asked McConaghy if CDBG would fund 50% of a grant writer? McConaghy stated planning would come out of administration; he would have to discuss it with the Noblesville Housing Authority. They would be happy to partner with a grant writer. Holt asked McConaghy if the Noblesville Housing Authority would be interested in picking up 50% of the expense? Altman stated the figure would probably be \$50,000 to \$60,000 the half. McConaghy stated Sheridan has always opted out and they go directly to the State for \$500,000; no matter what we do one community would not receive \$500,000. Arcadia and Atlanta opted out two years ago; they are not participating because they were going after larger funds for sewer and EPA fundings. Altman stated their major complaint was that it was divided out by population and they were not receiving any funding. McConaghy stated he has spoken with these communities and has encouraged them to go after the larger amounts of money.

Commissioner Committee Reports [3:36]

Hamilton County Firefighters Association

Dillinger stated he received a request from the Hamilton County Firefighters Association asking permission to build a memorial for Police and Firefighters along the Riverwalk. They have spoken with Steve Schwartz and the Riverwalk Committee approves of the memorial. Holt and Altman don't have a problem with the memorial.

Insurance Committee

Employee Benefits

Randall stated the Insurance Committee will be looking at the benefit structure and bringing any changes that need to be effective January 1, 2009 before the Commissioners in October.

Employee Wellness Day

Altman stated the planning committee for the Employee Wellness Day will be held September 11, 2009. The event will be held at the Hamilton County 4-H Fairgrounds. The concept is that county offices would be closed half a day and employees would be expected to participate in the Fair or work. Families would be invited to join us for dinner.

Voter Registration Request

Altman stated Voter Registration has requested a larger office. Altman stated they can use the tables in the canteen and use the Conference Room for meetings. The Commissioners agreed to not enlarge the Voter Registration space. Swift will tell them they will make emergency arrangements when needed during registration deadlines. Dillinger stated he does not believe the need will be as great in future elections; this year was due to the Presidential election.

Health Department Emergency Exercises

The Hamilton County Health Department will be closing their office on May 14, May 28 and June 18 from 1:00 to 3:00 p.m. for public health emergency training exercises. The major exercise date will be June 24 from 8:00 a.m. to 12:00 noon.

CIRTA Funding

Altman will be traveling to Washington D.C. on behalf of CIRTA, to request federal funding for transit. They will focus on the Nickel Plate connectivity to downtown Indianapolis. Jan Powell will be helping with our requests.

Spay Neuter Clinic Cabinet Request

Holt motioned to approve the Spay Neuter Clinic request for construction and installation of countertops and cabinets at a cost of \$1,575.00. Dillinger seconded. Motion carried unanimously.

Humane Society Air Conditioning

Holt stated when animal control officers drop off animals and cats after hours they are put in the Sallyport in individual cages. Once the veterinarian checks these animals they are put in the general population. The temperature in the Sallyport exceeded over 100 degrees several times last summer overnight and several animals expired. They would bring the animals in first thing in the morning but that led to problems due to them not being seen by the vet. They have requested air conditioning for the Sallyport. Scott Warner has recommended to accept PMC estimate of \$8,354.00. Altman asked if we are sure they are not storing animals in the Sallyport? They have added more cages and the Sallyport was not intended to store animals. Holt stated he can not answer that question, this is time sensitive. If an animal is dropped off at midnight it might be noon before the animal is pulled from the Sallyport. Altman stated we discussed this when we built the facility and decided to not do it because it is not the primary use of the Sallyport. The other part is there is a heater in the Sallyport, we are talking about having a large cavernous space, regardless of who pays utilities, will use all kinds of energy if we heat and cool it. Dillinger asked if there are any other options? Holt stated they don't have personnel to staff the facility overnight. Dillinger asked if there is some where else the animals can be left? Holt stated there is the air locked vestibule, which is not appropriate. They split the cost of the utilities with the Spay Neuter Clinic; the county does not pay the utilities. Altman stated is it fair that the Spay Neuter clinic will be picking up the bill? Holt stated they are working well together. Altman asked if the Humane Society has offered to pay for any of the things they are asking for out of their fundraising. Holt stated the Spay Neuter Clinic offered to pay for their requests and he thought it put us in a tenuous position with our lease, he would prefer that capital expenditures were paid for by the county. He told the Humane Society the same thing. Altman stated we end up paying for it because they will add it to the per animal cost. Dillinger stated if animals are dying because they are put in a hot Sallyport we don't have an alternative. Altman stated this is not a good solution to heat and air condition something with big overhead doors, it makes no sense. Altman stated it is not just the cost, it is terribly inefficient and that is not what government should be doing. Holt motioned to approve. Dillinger seconded. Dillinger asked if they have explored other options? Holt stated they have had this problem since last summer and they need to move forward with it. It is a compelling argument, if they are paying the utility bills he does not know why they would abuse it. Altman stated it all cycles back through the county. They add the utility cost to the per animal costs saying it is directly related to the

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owner drop off, it will all come back on the municipalities or the county. Altman stated she has a problem pulling out the radiant heat system that is probably adequate and putting a forced air system in. Dillinger motioned to table the request until he and Altman can view the facility. Dillinger and Altman approved the tabling motion.

Administrative Assistant [3:51]

Holiday Lighting

Mr. Fred Swift stated the large evergreen tree on the courthouse square needs more lighting. The City of Noblesville has asked the county to contribute \$200 to purchase more lights and the city will put them up. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Water Line

The water line behind the Judicial Center will be shut down in order to move it for the Riverwalk. Water for the Judicial Center will be turned off on Saturday, May 17, 2009. Scott Warner will send out a memo to the Elected Officials and Department Heads.

Riverwalk Construction Trailer

Swift stated a problem has arisen with the construction trailer for the Riverwalk project. There is no power source near the trailer. The only transformer is located at the former Kahlo building. The project manager has requested permission to ask Riverview Hospital to let him park the trailer near the Kahlo building. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Riverview Hospital Dinner Meeting

Swift reminded the Commissioners of their dinner meeting with the Riverview Hospital Board of Trustees on July 28, 2008 at 5:45 p.m. at the hospital.

Sheriff

2008 Advanced Criminal Enforcement 69 Initiative Grant

Major Mark Bowen requested permission to submit a grant application to the Indiana Criminal Justice Institute for the 2008 Advanced Criminal Enforcement 69 (A.C.E.) Initiative Grant in the amount of \$6,500. The monies will be used to pay overtime to officers for I-69 Drug interdiction. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Attorney [3:59]

Offer to Purchase Real Estate

Howard requested approval of the Offer to Purchase Real Estate from Noblesville Commercial Partners LLC in the amount of \$1,750,000. The Real Estate is approximately four (4) acre tract on the east side of State Road 37, north of State Road 32 in the City of Noblesville. The purchase is subject to funding by the County Council and the contract being supported by an appraisal. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Howard requested approval of two appraisers from the following list: Joe Traynor, Larry Allison, and Bob Gerdenich. Dillinger motioned to hire Bob Gerdenich. Holt seconded. Motion carried unanimously. Altman motioned to hire Larry Allison. Dillinger seconded. Motion carried unanimously.

Jehovah Witness Church

Howard stated they have closed on the Jehovah Witness Church property as part of the 96th Street and Commerce Drive project; it is subject to their right to retain possession for one (1) year.

Wilfong Agreement for 146th Street

Howard has reviewed the Wilfong Agreement for the 146th Street and Jason Street agreement. The agreement is clear that the county would provide two (2) full service access points. Notwithstanding that agreement if there was a public safety issue, in the county's police power, would have the right to modify it. Howard suggested we have strong, convincing and compelling evidence that it is a public safety issue before we start down that road. Altman asked if it would preclude adjustment to Stephanie Drive or just Jason Street? Howard stated it is both entrances from the parcel west of the creek; it is the two entrances from the north.

Township Assessors Attorney General Opinion

Dillinger stated when he met with the Assessors last week they were told there would be no adjustment in the Township Assessors salary. We also told them their benefits would stay in tact until the end of their term. According to the Attorney General's opinion, that is not the case. That is the Commissioners decision and not the County Council. Altman stated we can only adjust salary, not benefits. Howard stated he will have his opinion to the Commissioners by the end of the week as to whether it is mandatory or is permitted.

Cicero Request for Chip and Seal Assistance

Davis stated Bob Davis did receive a phone call from the Cicero Street and Utility Department requesting the county's assistance to Chip and Seal some alleys and streets. It is not clear what kind of assistance Cicero is requesting. Davis will get more information from Cicero.

Auditor [4:06]

Acceptance of Bonds/Letters of Credit – Drainage Board

Ms. Robin Mills requested acceptance of Bonds and Letters of Credit for the drainage board. 1) HCDB-2008-00021 – Community Bank Irrevocable Letter of Credit No. 375 – Hinkle Creek Estates Section 2 Monuments and Markers - \$2,970.00. 2) HCDB-2008-00022 – Community Bank Irrevocable Letter of Credit No. 376 – Hinkle Creek Estates Section 2 Erosion Control - \$30,510.00. 3) HCDB-2008-00023 - Community Bank Irrevocable Letter of Credit No. 377 – Hinkle Creek Estates Section 2 Subsurface Drains - \$27,500.00. 4) HCDB-2008-00024 – Community Bank Irrevocable Letter of Credit No. 378 – Hinkle Creek Estates Section 2 – Storm Sewers - \$156,675.00. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit – Drainage Board

Mills requested the release of Bonds and Letters of Credit for the drainage board. 1) HCDB-2007-00013 – Community Bank Irrevocable Letter of Credit No. 362 – Hinkle Creek Estates Section 2 Monuments and Markers - \$2,970.00. 2) HCDB-2007-00014 – Community Bank Irrevocable Letter of Credit No. 363 – Hinkle Creek Estates Section 2 Erosion Control - \$30,510.00. 3) HCDB-2007-00015 – Community Bank Irrevocable Letter of Credit No. 364 – Hinkle Creek Estates Section 2 Subsurface Drains - \$27,500.00. 4) HCDB-2007-00016 – Community Bank Irrevocable Letter of Credit No. 365 – Hinkle Creek Estates Section 2 Storm Sewers - \$156,675.00. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

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Treasurer's Monthly Report

Mills requested acceptance of the Treasurer's Monthly Report dated April 30, 2008. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Vendor Claims

Mills requested approval of the Vendor Claims to be paid May 13, 2008. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Employee Handbook Revisions [4:11]

Ms. Sheena Randall stated her goal is to address questions on pending items and then a complete draft will be presented to the Commissioners at their next meeting for a first reading and adopting the policy. Randall has a workshop with the County Council at their June meeting and they would like to adopt everything in July so it can be sent out to the Elected Officials/Department Heads and employees can return their acknowledgment forms before the budget hearings.

Section 1.2 Exceptions and Special Conditions

Howard stated the section stating "All Hamilton County Deputy Prosecuting Attorneys are excluded from the following and the policies of the Elected Prosecutor shall supersede these sections..." will be deleted.

Section 2.7 Personnel Files

Randall stated the information forwarded in sealed envelopes would only be applicable to performance appraisals for the elected Prosecutor. Randall stated she recommends adding "All personnel documents shall be transported to the Auditor's Office and/or Human Resource Office for placement in the appropriate files." The paragraph stating "Employee performance appraisal forms may be submitted by the Elected Prosecutor as an unsealed or sealed file....." should be moved to Section 2.11 under Performance Evaluations. This section is only relevant to performance appraisals not all personnel files. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Section 2.11 Performance Evaluations

Page 22 added the section stating "The performance of all employees must be evaluated on an annual basis....". The paragraph stating performance appraisal forms for any employee that are submitted to Human Resources in a sealed file..." will be replaced by the section being moved from Section 2.7. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Section 4.19 Family and Medical Leave

Section 2 – the language has been changed regarding leaving the calculations of Family and Medical Leave to a calendar year. Randall stated she has added all the language relevant to the "qualifying exigency" and care for a military service member which became effective January 28, 2008. Notices have been sent to all of the employees and requests are being processed as directed by the legislation. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Section 5.2 Emergency Closing

Page 35 – Commissioner Altman had requested research on what other entities are doing regarding compensation to employees that have to work on days they are closed. Randall stated they will have to check to see how the county's payroll system would handle it. Fishers does not have a policy, they don't give anything else, they run the calculations as the county currently does. Noblesville does not have a written policy but last year they gave those employees an extra day off and put the time in a separate bank. Carmel pays straight time and comp time for any hours the employees work and it is entered manually into their payroll system. Randall contacted Waggoner, Irwin and they have a couple of counties that do pay their employees extra but it is rather tricky entering the time into the payroll systems. Howard asked if the County Council takes into consideration who the essential employees are in giving them their compensation package? Randall stated yes, when Waggoner, Irwin factors the positions that is part of it, except employees who volunteer and are not essential in those situations. Effectively they are receiving compensation. If a non-essential employee does not work during closures they get paid but it does not count towards their time and a half.

Section 5.6.1 Personal Use of Vehicles

Randall stated there is a specific list that makes applicants ineligible for employment by Hamilton County. A background check is run for 36 months prior to the submittal of the application. If a current employee has a suspended license the employee has the opportunity to apply for other positions if they are not going to get their license back and the management staff can review if the employee can or can not perform the essential functions of the job. If the employee does not advise their management appropriately the employee is immediately suspended one (1) week without pay and if they can not provide documentation that they are working to get it resolved the employee can be placed on un-paid leave, be assigned other duties or look at termination. [4:31:04] Holt asked what happens to an employee who receives an OWI and has their license suspended prior to conviction? Are they specifically required to report that and if so, where is it in the handbook? Randall stated they are supposed to report it immediately to their supervisor, it is under Section 5.6.4.3, item #4. Holt stated his issue is the definition of violation; violation and conviction are used interchangeably in this section. If one were to read this as I have been accused, there is a presumption of innocence until proven guilty but still under Indiana law you will receive a pre-conviction suspension. Holt stated he does not see that requirement to report to your employer in the handbook. We may have an employee who does not have a valid drivers license because they received a judicial suspension because there was a probable cause finding. Randall stated on page 40 under 5.6.5 the first paragraph states "If an employee voluntarily advises the County that his or her license contains a serious violation and/or a suspended license and voluntarily advises the County, management shall take the following steps." Howard stated it does not place an affirmative duty on an employee to notify the county if his/her driving privileges have been suspended, period. Holt stated he reads this all the time for his clients and if he does not see that language he tells them to keep it to themselves. It is an opportunity to specifically set out the statute, it is the only time it occurs. Holt stated we need to set it out or someone could read the handbook and not tell their supervisor. Dillinger motioned to approve that and Mike (Howard) put the wording in without coming back to the Commissioners. Altman asked if it would be put in Section 5.6.5, making it mandatory instead of saying if an employee voluntarily advises? Howard stated it will have to be put in earlier. Randall stated in 5.6.4.2 it states all employees must report all traffic violations while operating county vehicles to their supervisor by the end of their regular shift. Howard stated that is not a violation. Howard stated he thinks it should go in 5.6.4 in

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capital letters. Holt stated the statute should be cited, it is the only time it happens in Indiana. Motion carried unanimously.

Purchase of Meals with Public Funds [4:35]

Howard stated in each section after the words “Meals provided” insert “or purchased”. The idea is if there is overnight travel required for training sessions, seminars during business hours at our work site for our convenience or meals provided or purchased by the elected officials in connection with meetings for other like-kind persons at our work site during business for our convenience, all of those can be paid for by public funds and are eligible for reimbursement. The definition of public funds is included – Public Fund means any money held in or dispersed from any account or fund maintained by any County official of the County. Taxable fringe benefits are if you are away from the work place, not requiring an overnight stay; those would be taxable to the employee. Holt stated he does not think that is the law. Altman stated the IRS theory is that you will have to feed yourself if you are away from your tax home. Howard stated overnight is the test. Altman asked if we want the first #2 unless they have pre-approval? Howard stated the only distinction between #2 on the second page and #3 on the first page is “for the county’s convenience”. If it was not for the county’s convenience you would not be doing it. Howard stated #2 could be deleted, there is a strong enough business benefit. Howard asked if #3 on the first page should be non-taxable? Altman stated yes. Howard confirmed that all of these need to be pre-approved? Altman stated yes. Randall stated it states that the only time it is non-taxable is when it is at your facility. Holt asked where does it say overnight? Altman stated it is implied in the first section #1. The second section stating expenditures for meals are eligible for reimbursement as a taxable fringe benefit requires attendance during general business hours, Howard will insert “not for an overnight stay” for clarification. Altman stated if you have a working lunch you are going to get paid for the working lunch? It would be put towards comp time, you don’t clock out if you have a working lunch. Howard stated if you have a working lunch at the work site it is for the county’s benefit, because our people are not losing time away from work, then it falls under #3 in section 1 on the first page. Altman stated it begs the question, you have to eat anyway, you are going to get paid to work because you are in a working lunch, why are we now paying for your food? Howard stated it is the same exception on the half hour lunches in a factory because they presume it is for the factory’s benefit. Altman stated if she goes to work she will either bring her lunch or go out to eat. Ms. Dawn Coverdale asked if they are having a working lunch we are going to pay for that lunch? Altman stated that is what it implies. Randall stated an example for #2 would be the COOP & COG meetings. Altman stated we are providing the food that is the distinction. Howard stated it states provided for or purchased in connection with lunch meetings with other like-kind officials or subordinates (related to the employee’s job duties) conducted at a County work site; that is COOP & COG. Altman stated we have approved that meeting at the Commissioners level saying we are going to feed the attendees. Howard stated you have to do both; it has to meet these standards and be pre-approved. Altman stated she does not see the pre-approval language. Altman stated she saw pre-approved in one place, section 1 under #2. Howard stated it states employees must receive pre-approval for any work related meal reimbursement or expenditure by their elected official/department head, on page 2 following #3. Coverdale stated this is very confusing. Altman asked that the pre-approval sentence be put up front, it is a condition for anything to have approval; we are not paying for anything unless it is pre-approved. Altman asked if it should come through the Commissioners unless it meets these non-taxable criteria. These are real restrictive, if you are going out of town we will feed you. She does not care if it is a travel day the county should feed the employee on their way back. If you are in town just because you work does not mean we have to feed you because you are going to be paid for those hours anyway. Randall stated the premises of section 1 on page 1 addresses overnight travel which is non-taxable. Section 2 is relevant to the big training sessions that we have in-house, which are pre-approved. Section 3 on page 2 is relevant that an employee is going to meet with other in-kind officials. Altman stated that needs to be restricted to elected officials or department heads, she does not want county employees feeding each other because they meet with employees from another county. Howard stated he can mark out Section 2 because we don’t want to send W-9’s for a \$6.00 lunch. Randall stated in Section 2, if she goes to a training session that is not overnight she would have to pay taxes on it. She will get reimbursed. Altman stated why should you be reimbursed? If you are at your tax home you would find some way to eat. Randall stated this is talking about being away from the work place. Altman and Howard stated it does not matter as long as it is not overnight. Howard stated we end up spending \$30.00 processing the imputed income so the employee can have \$7.00 to pay for your lunch and then added to your income. The employee pays their own \$7.00 and it becomes a thou shalt not. Coverdale stated that is what the existing Per Diem policy states; we are not going to pay the employee for anything that is not overnight, we will but it will be taxed. Altman stated if you are traveling from out of town back in, just because you don’t spend the night out of town, you should be reimbursed for the food you have to have during your travel time to get back to your tax home. Howard stated we want to add language stating “unless it is in the seminar price”, that may be the only time we impute income to anybody everything else we be thou shalt or thou shalt not. Altman stated if it is the seminar price we are not digging it out.

Mileage

Randall asked if the mileage language Mike Howard wrote is ok? The wording Internal Revenue Service will be changed to County Council. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Exempt Positions

Holt motioned to approve the changes to the Exempt Positions list. Altman seconded.

| | |
|----------|--|
| Removed: | Community Corrections Operations Manger position |
| Added: | Magistrate Positions(s) - Courts |
| | Health Educator - Health Department |
| | Project Engineer – Highway Department |
| | Staff Engineer- Bridge – Highway Department |
| | Staff Engineer-Road – Highway Department |
| | Veteran’s Service Officer |

Altman stated one thing Brad Davis mentioned that on one or two of the highway positions they do inspections and we save money because we don’t have contracts. They pick up overtime because they are working more than 37 ½ hours. She does not think that has been looked at by Waggoner, Irwin. They are picking up overtime to do added work on inspections and saving it on the contractual services side. Altman stated that is what she was trying to say when she asked that Randall talk to the department heads. We want to be fair, it is not that they are used to overtime it is because

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they are working more hours in a seasonal position that saves the county money on contracts. Altman stated she does not know what position(s) they are. We have pushed them into doing the inspections and have trained them to perform the inspections. If they are working more hours she wants them to receive compensation for the extra hours. Holt motioned to table that issue. Altman seconded. Motion carried unanimously.
Holt motioned to adjourn. Dillinger seconded. Motion carried unanimously.

- Commissioners Correspondence**
Notice of Health Department Closings for Training
Lectro-Communications Notice of Lease Termination
IDEM Wastewater (Septage) Business Permit
 Flanigan’s Septic Services
IDEM Notice of Public Comment
 AT&T Indiana
IDEM Notice of Construction Permit Application
 Deer Path, Section 18 – Noblesville
Certificate of Insurance
 Time Warner Telecom, Inc.
 JDH Contracting, Inc.

- Present**
Christine Altman, Commissioner
Steven C. Dillinger, Commissioner
Steven A. Holt, Commissioner
Robin M. Mills, Auditor
Fred Swift, Administrative Assistant to Commissioners
Kim Rauch, Administrative Assistant to Auditor
Michael Howard, Attorney
Darren Murphy, Attorney
Mark Bowen, Sheriff’s Department
Brad Davis, Highway Director
Jim Neal, County Highway Engineer
Joel Thurman, Highway Project Engineer
Brandy Wariner, Highway Public Service Representative
Dave Lucas, Highway Staff Engineer
Mark Fisher, Highway Project Engineer
Christopher Burt, Highway Engineering Technician
Tim Knapp, Highway Right-of-Way Manager
Matt Knight, Highway Bridge Program Engineer
Faraz Khan, Highway Staff Engineer
Kathy Howard, Highway Department Administrative Manager
Bob Davis, Highway Superintendent
Rob Borders, Noblesville Daily Times
Becki Wise-Kent, USI
Patti Smith, BLN
Floyd Burroughs, FEBA
Mitch Russell, Arcadia
Bill Hughes, Superior Court 3
BJ Casali, ISSD
Pam Reuster, Supportive Systems
Sheena Randall, Human Resources
Mark McConaghy, Noblesville Housing Authority
Chuck Kiphart, Plan Commission
Dawn Coverdale, Chief Deputy Auditor

APPROVED
HAMILTON COUNTY BOARD OF COMMISSIONERS

ATTEST

Robin M. Mills, Auditor